

**From:** Jon Roberts  
**To:** Microsoft ATR  
**Date:** 1/15/02 6:22pm  
**Subject:** Microsoft Settlement

Judge Colleen Kollar-Kotelly,

I am an information technology professional with 8 years of extensive experience in software engineering, systems administration, data design, coding, and testing. I have a broad background, but my core competencies are in web systems. While serving as a commissioned officer in the US Air Force, I installed, administered, and developed with my first web server in 1994, at the advent of the world wide web. In my career, I have worked with a variety of operating systems, including flavors of Unix and versions of Microsoft Windows. I've also used an array of open standards, including HTML, CSS, Http, LDAP, CGI, XML, and Java. Very recently, I moved an entire internet and intranet infrastructure for a large academic medical center from a Unix (Sun Solaris) hosted environment to one using Microsoft based servers. Currently, I work independently as a developer and consultant.

As such, I feel I have relevant insight into Microsoft's technology and business practices. I favor a best of breed approach to system development, so I also believe I represent an objective point of view. I regularly use Microsoft software at work and home, and continue to do so where I deem appropriate; I am writing this message in Microsoft Outlook, for instance. I also use other operating systems and recommend their use in circumstances where I judge there is a better alternative.

Throughout my career, my ability to provide value to my employers or customers has been adversely affected by Microsoft's technology and business practices. The software they deliver, particularly new software, is typically far less efficient, stable, or secure than alternative approaches. Their products are usually designed with dependencies that require you to use other Microsoft products and sabotage the concurrent use of non-Microsoft approaches. Many of their offerings do not uninstall properly, and leave a permanent presence on the hosting system. Because they write the operating system too, some of their applications make use of capabilities that are not available to non-Microsoft developers. Their licensing practices are mercenary and anti-competitive, using vehicles like sole-source relationships to build inordinate market share. Once Microsoft gains control of a market, they begin raising prices at a rate faster than the industry in general. Most importantly, Microsoft has repeatedly undermined and perverted open standards to serve their own ends, including every one I listed above.

I know that business is competitive by nature, but I agree with the Justice Department's repeated findings that Microsoft's business practices crossed the line and were illegal. Further, I believe that Microsoft created a situation for itself that is bad for the industry and the economy at large

over the long term. While I will concede that many dot-coms burned capital on irresponsible business models and implementations, I attest that Microsoft has some amount of personal responsibility for the bursting of the bubble economy and the current economic woes of the information technology industry and the country. The cost of developing on the web should not be as high as it is now, but who knew in the early days of e-commerce the momentum of progress in open standards could be stymied so effectively by one player. Microsoft is in direct conflict with the cooperative culture that brought us the internet, and their long term strategies will exacerbate this problem: where Microsoft succeeds, all others will bleed. History will not be kind if we will have to address the same issues again because of an ineffectual remedy.

If the terms of the anti-trust settlement can be realized, then it may make some difference. However, I don't have faith that Microsoft will adhere to the spirit of the settlement, I have even less confidence in the Justice Department's ability to enforce the terms of the settlement expediently (especially given how long this initial anti-trust process has dragged on), and I believe the problem is larger than middleware. In particular, I don't believe anything short of making Windows open source would prevent Microsoft from taking advantage of the ambiguous nature of a "middleware interface" to continue to constrain consumers and developers. Don't forget that in addition to the operating system and productivity application markets, Microsoft has a big stake in development tools; a hook into middleware functionality doesn't mean much to me if I have to use another Microsoft product to implement it. And I've read some of Microsoft's published information on its software in the few instances where it doesn't directly involve one of their development tools, and it still didn't enable me to communicate cleanly with the Windows operating system or their middleware (even when it's supposed to). At best, they're support staff has pleaded incompetence. I'll buy it, too; they have no history of successfully supporting cooperative development outside of Microsoft tools. Microsoft's entire oeuvre has a tendency to be black box. To achieve its aims, this settlement would have to completely reverse Microsoft's closed corporate and development culture. I'm skeptical that this settlement will lead to anything more than continued legal squabbling.

On a separate note, the recent class action settlement is too plainly a vehicle for Microsoft to broaden it's market share while simultaneously getting good press. I view it less as ineffectual and more as a disgrace to our legal system.

This message is a general statement of perspective. If you want more insight, specific examples, or verification of my credentials feel free to contact me.

Jon

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